

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

PROMESA
Title III

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

Case No. 17 BK 3283-LTS

(Jointly Administered)

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

PROMESA
Title III

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

Case No. 17 BK 4780-LTS

**This Motion relates only
to PREPA, and shall be filed in
Case No. 17 BK 3283-LTS and
Case No. 17 BK 4780-LTS**

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**URGENT MOTION FOR EXTENSION OF DEADLINES
IN CONNECTION WITH THE FOURTH AMENDED NOTICE,
CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES**

¹ The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Electric Power Authority (“PREPA”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as PREPA’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this urgent motion (the “Motion”) for an extension of the deadlines set forth in Paragraphs III.G and I of the *Fourth Amended Notice, Case Management and Administrative Procedures* [Case No. 17-3283-LTS; ECF No. 2389].

Background

1. On May 9, 2017, the Debtors filed a motion seeking to establish certain notice, case management, and administrative procedures for the Title III cases [Case No. 17-3283-LTS; ECF No. 43] (as amended, the “Case Management Procedures”).

2. On June 2, 2017, the Court entered an order approving the Case Management Procedures [Case No. 17-3283-LTS; ECF No. 249], which was subsequently amended by an order of the Court on June 6, 2017 [Case No. 17-3283-LTS; ECF No. 262].

3. On June 29, 2017, the Oversight Board issued a restructuring certification pursuant to PROMESA sections 104(j) and 206, and on July 2, 2017, the Oversight Board filed a voluntary petition for relief for PREPA pursuant to section 304(a) of PROMESA, commencing a case under title III thereof (the “Title III Case”), and on October 6, 2017, the Court entered an order directing the joint administration of the Title III Case with those of the other Debtors [Case No. 17-04780-LTS; ECF No. 340].

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

4. The Case Management Procedures were subsequently amended by orders of the Court on August 17, 2017, October 24, 2017, and April 4, 2018 [Case No. 17-3283-LTS; ECF Nos. 1065, 1512, 2389].

Relief Requested

5. Pursuant to Paragraph III.G of the Case Management Procedures, the deadline to file and serve motions to be heard at the omnibus hearing scheduled for June 6, 2018 (the “Omnibus Hearing”) was May 15, 2018. *See* Fourth Amended Case Management Procedures ¶ III(G). In accordance with Paragraph III.I of the Case Management Procedures, subject to an order of the Court permitting otherwise, the deadline to file and serve objections to any motions to be heard at the Omnibus Hearing is May 22, 2018. *See* Fourth Amended Case Management Procedures ¶ III(I).

6. Contemporaneously with the filing of this Motion, PREPA has filed *PREPA’s Motion for Entry of (I) Bridge Order and (II) Order Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure Further Enlarging the Time Within Which to File Notices of Removal Pursuant to Bankruptcy Rule 9027* (the “Removal Extension Motion”), which seeks, pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Practice and Procedure (the “Bankruptcy Rules”), made applicable to the Title III Case pursuant to PROMESA section 310, entry of (i) a bridge order enlarging the time within which PREPA may file notices of removal pursuant to Bankruptcy Rule 9027(a) through the Court’s adjudication of the Removal Extension Motion, and (ii) an order further enlarging the time within which PREPA may file notices of removal pursuant to Bankruptcy Rule 9027(a).

7. As discussed in the Motion, PREPA’s deadline to file notices to remove certain civil proceedings pursuant to Bankruptcy Rule 9027(a) is June 1, 2018. PREPA was a party to

over 300 civil actions as of the Petition Date. In addition to addressing pressing matters in the aftermath of Hurricanes Irma and Maria, PREPA and its professionals have been focused on preparing PREPA's fiscal plan and transformation plan and, therefore, have not yet been able to determine whether additional claims should be removed. In light of the pending deadline, PREPA needs additional time to review the civil actions to determine which other, if any, it intends to remove. Accordingly, PREPA respectfully requests a two-day extension of the deadline to file and serve pleadings to be heard at the Omnibus Hearing so that the Removal Extension Motion may be heard at the hearing.

8. The danger of prejudice to any parties in interest and the potential impact on the Title III cases are minimal. To further eliminate any prejudice to parties in interest, PREPA has served the Removal Extension Motion on all required parties by overnight delivery and/or email and is willing to consent to an extension of the deadline to file an objection to the Removal Extension Motion by two (2) additional calendar days to May 24, 2018, so that parties in interest have the original amount of time set forth in the Case Management Procedures to respond to the motion. For the foregoing reasons, PREPA respectfully requests that the Court extend the deadline to file (a) the Removal Extension Motion to May 17, 2018 so it can be heard at the Omnibus Hearing and (b) any objections to the Removal Extension Motion to May 24, 2018 at 4:00 p.m. (Atlantic Standard Time).

9. Finally, in light of the June 1 removal deadline in relation to the June 6 Omnibus Hearing, PREPA would like to highlight for the Court that the Removal Extension Motion seeks entry of a bridge order in advance of June 1, 2018.

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WHEREFORE, PREPA respectfully requests the Court enter an order providing (i) a two-day extension of the deadline to file and serve pleadings to be heard at the Omnibus Hearing so that the Removal Extension Motion may be heard at the hearing, (ii) if the Court deems it necessary, an extension of the deadline to file an objection to the Removal Extension Motion by two (2) additional calendar days to May 24, 2018, and (iii) such other and further relief as the Court deems just and proper, including entry of a bridge order on the Removal Extension Motion prior to June 1, 2018.

Dated: May 17, 2018
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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